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cause he did not consider it safe, and after it was repaired under the direction of the mine bosses, and they advised him that a "horse-back," or projecting rock, in the room, which afterward fell on him, was safe, he could rely on their assurances.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 684-686; Dec. Dig. § 234.* 9 Va.-W. Va. Enc. Dig. 702.]

9. Master and Servant (§ 236*)—Contributory Negligence—Servant's Duty.—A servant must provide for his own safety from dangers known to him, or which he might discover by ordinary care.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 723-742; Dec. Dig. § 236.* 9 Va.-W. Va. Enc. Dig. 703.]

10. Master and Servant (§ 276*)—Injuries—Proximate Cause.—In a coal miner's action for injuries caused by falling slate, after his room had been repaired and he was assured by the mine boss that it was safe, evidence held to show that defendant's negligence was the proximate cause of the injury.

[Ed. Note.—For other cases, see Master and Servant, Dec. Dig. § 276.* 9 Va.-W. Va. Enc. Dig. 691, et seq.]

Judgment affirmed. All the judges concur.

NORFOLK & W. RY. CO. *v.* SPEARS.

Sept. 9, 1909.

[65 S. E. 482.]

1. Damages (§ 142*)—"Special Damages"—"General Damages"—Pleading.—When damages are the natural and proximate result of the act or default complained of, they are "general damages," and need not be specially pleaded, as in the case of "special damages," which are those of an unusual and extraordinary nature, and not the common consequence of the wrong complained of.

[Ed. Note.—For other cases, see Damages, Cent. Dig. § 413; Dec. Dig. § 142.* 4 Va.-W. Va. Enc. Dig. 214.

For other definitions, see Words and Phrases, vol. 4, pp. 3059, 3060; vol. 8, p. 7669; vol. 7, pp. 6572, 6573; vol. 8, p. 7802.]

2. Damages (§ 158*)—Personal Injuries—Pleading and Proof.—The declaration in an action for personal injuries from a collision, averring that by reason thereof plaintiff became sick, sore, and disordered, which condition continued hitherto, allows of evidence that as a result of the collision plaintiff was suffering from a certain nervous disease.

[Ed. Note.—For other cases, see Damages, Cent. Dig. §§ 441-446; Dec. Dig. § 158.* 4 Va.-W. Va. Enc. Dig. 214.]

3. Appeal and Error (§ 966*)—Continuance—Discretion.—A motion

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.

for continuance is addressed to the sound discretion of the trial court, whose disposition thereof, unless plainly erroneous, will not be disturbed on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 3837; Dec. Dig. § 966.* 3 Va.-W. Va. Enc. Dig. 301, et seq.]

4. Pleading (§ 323*)—Bill of Particulars—Time for Demand.—A bill of particulars should be called for at the term at which the pleadings were made up, and not delayed to the next term.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. § 977; Dec. Dig. § 323.* 2 Va.-W. Va. Enc. Dig. 377.]

5. Continuance (§ 29*)—Discretion in Refusing Continuance.—Where defendant did not call for a bill of particulars till the term after the pleadings had been made up, and then on the ground of surprise moved for a continuance to obtain a nerve specialist and witnesses to testify as experts on the question whether plaintiff was suffering with a certain nervous disease, and it did not appear whether said specialist was within the court's jurisdiction, and five medical witnesses testified for defendant as to the nervous disorder, it cannot be said that the court plainly erred in refusing a continuance.

[Ed. Note.—For other cases, see Continuance, Cent. Dig. § 95; Dec. Dig. § 29.* 3 Va.-W. Va. Enc. Dig. 301, et seq.]

6. Evidence (§ 553*)—Opinion Evidence—Hypothetical Questions.—There being evidence to prove all the facts assumed in a hypothetical question, and all the material facts which the evidence tended to prove, affecting the question on which the experts were asked to testify, being referred to therein, it is not open to the objection of omitting any material fact or containing any statement which the evidence did not tend to prove, though it might have gone more fully into the details of the evidence.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. §§ 2369-2374; Dec. Dig. § 553.* 5 Va.-W. Va. Enc. Dig. 787, et seq.]

Judgment affirmed. All the judges concur.

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.